

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 103

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL
TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF POTENTIAL
APPROACHES TO PUBLIC DEFENSE REFORM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Public Defense Reform Interim Committee was authorized by
the Legislative Council at the recommendation of the members of the Second
Regular Session of the Sixty-second Idaho Legislature for the purpose of un-
dertaking and completing a study of potential approaches to the public de-
fense system; and

WHEREAS, the Public Defense Reform Interim Committee committed itself
to the task of identifying potential necessary improvements in Idaho's
public defense system and developing recommendations for public defense
reform; and

WHEREAS, the Public Defense Reform Interim Committee identified areas
that need to be addressed in Idaho's public defense system. Such areas in-
clude, but are not limited to: public defense contracting practices and data
reporting; caseloads and workloads; training and resources for public de-
fense attorneys; and qualifications and experience standards for public de-
fense attorneys; and

WHEREAS, the Public Defense Reform Interim Committee has sought to ad-
dress such areas through legislation that include a public defense model
where, although public defense delivery at the trial level would remain
primarily funded and administered at the county level, certain oversight
and administration authority would be statutorily delegated to the State
Public Defense Commission authorized to promulgate certain rules with which
counties are required to comply, including statewide training and continu-
ing legal education requirements for public defense attorneys and uniform
data reporting requirements. In addition, the State Public Defense Commis-
sion was statutorily required to make recommendations to the First Regular
Session of the Sixty-third Idaho Legislature, and may make recommendations
during the regular sessions of the Legislature thereafter as deemed neces-
sary, for legislation relating to certain requirements for public defense
contracts; standards for the qualification and experience of public defense
attorneys; enforcement mechanisms; funding issues; and reclassifying cer-
tain misdemeanors as infractions; and

WHEREAS, the legislation recommended by the Public Defense Reform In-
terim Committee also provided for a public defense model where the counties'
statutory duty to provide for counsel at public expense is accomplished by
one of the following: (1) establish an office of public defender; (2) estab-
lish a joint office of public defender with one or more other counties; (3)
contract with an existing office of public defender; or (4) contract with a

1 defending attorney provided that no such contract shall include a flat fee
2 pricing structure; and

3 WHEREAS, during the course of its study, the Public Defense Reform In-
4 terim Committee identified additional issues in need of further study. Such
5 issues include: reclassifying certain misdemeanors as infractions; funding
6 issues; and effective mechanisms to ensure compliance with public defense
7 system standards and requirements.

8 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
9 sion of the Sixty-third Idaho Legislature, the Senate and the House of Rep-
10 representatives concurring therein, that the Legislative Council is authorized
11 to appoint a committee to continue the efforts to undertake and complete a
12 study of potential approaches to public defense reform including, but not
13 limited to: funding issues; public defense contracting practices; data re-
14 porting; standards for training and experience of public defense attorneys;
15 and effective enforcement mechanisms to ensure compliance with public de-
16 fense system standards and requirements. The committee shall consist of ten
17 legislators, with five from the Senate and five from the House of Representa-
18 tives. The Legislative Council shall authorize the committee to receive in-
19 put, advice and assistance from interested and affected parties who are not
20 members of the Legislature.

21 BE IT FURTHER RESOLVED that the cochairmen of the committee are autho-
22 rized to appoint advisors with technical expertise in the area of public de-
23 fense and are expected to receive input from stakeholders in the criminal
24 justice system of Idaho.

25 BE IT FURTHER RESOLVED that any advisors to the committee who are not
26 legislative members shall not be reimbursed from legislative funds for per
27 diem, mileage or other expenses and shall not have voting privileges.

28 BE IT FURTHER RESOLVED that the commission shall report its findings,
29 recommendations and proposed legislation, if any, to the Second Regular Ses-
30 sion of the Sixty-third Idaho Legislature.